

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:08CV271

)

Plaintiff,)

)

vs.)

)

**MEMORANDUM
AND ORDER**

THE STATE OF NEBRASKA;)

DAVE HEINEMAN, Governor)

of the State of Nebraska, in his)

official capacity only; CHRISTINE)

PETERSON, Chief Executive)

Officer, Nebraska Department)

of Health and Human Services,)

in her official capacity only; JOHN)

WYVILL, Director, Division of)

Developmental Disabilities,)

Nebraska Department of Health)

and Human Services, in his official)

capacity only; RON STEGEMANN,)

Chief Executive Officer, Beatrice)

State Developmental Center, in his)

official capacity only,)

)

Defendants.)

Following the State's objections to the reimbursement requests of former independent expert John J. McGee, Ph.D., due to inadequate supporting documentation (filing [55](#)), Dr. McGee filed amended motions for reimbursement (filings [60](#), [61](#), [62](#).) The independent expert's revised requests for reimbursement are as follows: \$30,314.76 incurred by Marge Brown of Life Project Consulting, LLC, during January to July 2009 (filing [60](#)); \$29,313.71 incurred by Macomb-Oakland Regional Center, Inc., during January to July 2009 (filing [61](#)); and \$7,200.00 incurred by consultant John Williams during January to July 2009 (filing [62](#)).

After more objections from the State of Nebraska (filing [64](#)) regarding Dr. McGee's revised reimbursement requests, Dr. McGee filed a "response" with the court (filing [66](#)) indicating that he "accept[s] the State of Nebraska's objections and agree[s] to accept the

State's undisputed amounts." Therefore, I shall grant in part Dr. McGee's amended motions for reimbursement in the following amounts: \$30,273.37 incurred by Marge Brown of Life Project Consulting, LLC, during January to July 2009; \$26,685.65 incurred by Macomb-Oakland Regional Center, Inc., during January to July 2009; and \$7,200.00 incurred by consultant John Williams during January to July 2009.

Accordingly,

IT IS ORDERED:

1. The amended motions for reimbursement (filings [60](#), [61](#), [62](#)) are granted in part, and within 10 days of the date of this order, the Clerk of the United States District Court for the District of Nebraska shall disburse funds for the consulting services and expenses of Marge Brown of Life Project Consulting, LLC, in the amount of \$30,273.37; Macomb-Oakland Regional Center, Inc., in the amount of \$26,685.65; and consultant John Williams in the amount of \$7,200.00. Such payments should be sent to the following addresses:

Marge Brown
Life Project Consulting, LLC
545 Woodside Avenue
Berwyn, Pennsylvania 19312

Macomb-Oakland Regional Center, Inc.
16200 19 Mile Road, P.O. Box 380710
Clinton Township, Michigan 48038

John Williams
1103 South Main
Royal Oak, Michigan 48067

2. Such funds shall be paid from the interest-bearing account set up by the Clerk of Court pursuant to this court's prior order ([filing 9](#)).

3. As provided in this court's prior order ([filing 9](#)), the "Clerk is authorized to

deduct from any monies deposited with the Clerk a fee of 10% of the interest earned each time funds are disbursed.”

4. As provided in the parties’ settlement agreement ([filing 10](#), at 6), and within 45 days of the date of this order, the defendants shall replenish the above-described interest-bearing account with the full amount paid by the Clerk of Court to the above-named consultants in order to restore the account’s total to \$100,000.00.

5. The objections filed by the State of Nebraska (filings [55](#), [64](#)) are granted to the extent that Dr. McGee’s original reimbursement requests (filings [49](#), [50](#), [51](#), [52](#), [53](#), [54](#), [60](#), [61](#), [62](#)) were not granted in the full amount requested; such objections (filings [55](#), [64](#)) are otherwise denied.

DATED this 26th day of May, 2010.

BY THE COURT:

Richard G. Kopf

United States District Judge

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